

Defendant's Class-wide Damage Estimate	Plaintiff's Class-wide Damage Estimate	Source	Disputed or Undisputed
1. Computers sold in Kansas during class period (930,768)	1. Computers sold in Kansas during class period (930,768)	U.S. Census (Wells Aff. paragraphs 3-4)	Undisputed
2. 80% Intel microprocessor share of computer market during class period (744,614)	2. 80% Intel microprocessor share of computer market during class period (744,614)	Allegation from Plaintiff's Petition, paragraph 16. (Wells Aff. paragraph 5)	Undisputed
3. 5.62% of total population of Kansas in 18 counties (41,847)	3. 5.52% of total population of Kansas in 18 counties	U.S. Census <u>Compare</u> (Wells Aff. paragraph 6-7) versus (Sharp Aff. paragraph 4)	<i>Disputed</i> . Defendant committed a mathematical error.
4. Omitted—Assumes that Southwest Kansas counties purchase computers in same proportion as Kansas average	4. 18 Southwest Counties purchase computers at a much lower rate than the Kansas average because of the disproportionate percentage of lower income, Hispanic, uneducated, and older population in those rural areas	U.S. Census (Sharp Aff. Paragraphs 4-8) (the statewide average of 37.9% households purchasing computers is only 17.1% for the uneducated and 29.6% for Hispanics, Ex. B, and the population in Southwest Kansas is 40% Hispanic compared to 7% statewide; 33% uneducated v. 14% statewide, Ex. A)	<i>Disputed</i> (Defendant claims it is not that significant—but does not dispute the Census statistics)

<p>5. Full consideration damages under K.S.A. 50-115</p> <p>a. Defendants spin is that this means price paid for the entire incorporated product</p> <p>b. Average price of computers</p> <p>c. Average price of Intel Microprocessors (Never Mentioned)</p>	<p>5. Full consideration damages under K.S.A. 50-115</p> <p>a. False. Only can recover the price fixed or overpriced component Intel responsible for.</p> <p>b. Irrelevant</p> <p>c. This is what the case is about, and Intel proved nothing about its value</p>	<p>5. Allegations from Plaintiffs Petition, Prayer for Relief, paragraph 3</p> <p>a. NONE. Defendants rewrite Plaintiff's Petition or assert an unsubstantiated conclusion. <u>Compare</u> (Wells Aff. paragraph 10, first sentence) <u>with</u> (Sharp Aff. Paragraph 9)</p> <p>b. Nex Tag – comparison shopping website (Wells Aff. paragraph 11)</p> <p>NONE. No proof submitted by anyone</p>	<p>5. Undisputed</p> <p>a. <i>Disputed</i>. No Kansas case has ever permitted what Defendant makes up, and Plaintiff's Counsel has never alleged that in any Kansas antitrust case, including this one.</p> <p>b. <i>Disputed</i> (the case is about abuse of the microprocessor market, not computer market)</p> <p>Whoever has the burden of proof failed.</p>